

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 22 be amended to read as follows:

- 1 Page 7, between lines 39 and 40, begin a new paragraph and insert:
- 2 **"(e) This subsection applies only if the human remains are on**
- 3 **property owned or leased by a coal company. The remains, either**
- 4 **cremated or uncremated, of a deceased human may be removed**
- 5 **from a cemetery by a coal company if the coal company obtains a**
- 6 **court order authorizing the disinterment, disinterment, or**
- 7 **disinurnment. Before issuing a court order under this subsection,**
- 8 **a court must conduct a hearing and be satisfied as to the following:**
- 9 **(1) That the property is owned or leased by the coal company.**
- 10 **(2) That the coal company has obtained the written consent**
- 11 **of:**
- 12 **(A) the spouse of the deceased; or**
- 13 **(B) the parents of the deceased in the case of a deceased**
- 14 **minor child;**
- 15 **authorizing the disinterment, disinterment, or**
- 16 **disinurnment. If the consent is not available, the court may**
- 17 **waive the requirement after considering the viewpoint of any**
- 18 **issue (as defined in IC 29-1-1-3) of the deceased.**
- 19 **(3) That the department of natural resources, division of**
- 20 **historic preservation and archeology, has received at least five**
- 21 **(5) days written notice of the time, date, and place of any**
- 22 **hearing under this subsection. The notice must describe the**
- 23 **proposed place from which the remains will be removed.**
- 24 **(4) That a licensed funeral director has agreed to:**
- 25 **(A) be present at the removal and at the reinterment,**

- 1 reentombment, or reinurnment of the remains; and
2 (B) cause the completed order of the state department of
3 health to be recorded in the office of the county recorder
4 of the county where the removal occurred.
5 (5) That the coal company has caused a notice of the proposed
6 removal to be published at least five (5) days before the
7 hearing in a newspaper of general circulation in the county
8 where the removal will occur.
9 (6) That the coal company will notify the department of
10 natural resources, division of historic preservation and
11 archeology after the hearing of the proposed time and date
12 when the remains will be removed. ".
13

Page 7, line 40, delete "(e)" and insert "(f)".

(Reference is to ESB 22 as printed February 15, 2002.)

Representative Lytle